



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NORTHWESTERN MUTUAL LIFE INSURANCE:  
COMPANY, :

12 Civ. 2514 (PKC)(HBP)

Plaintiff, :

- against - :

STEVEN LITT and TRACY COPPLE-LITT, :

Defendants. :

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**DEFENDANT STEVEN LITT'S DEPOSITION DESIGNATIONS PURSUANT TO  
RULE 29 OF THE COMMERCIAL DIVISION OF THE SUPREME COURT**

Pursuant to Rule 29 of the Commercial Division of the Supreme, defendant Steven Litt hereby designates and submits the following deposition testimony for use at trial.

**Deposition of Tracy Copple-Litt conducted October 26, 2012**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

-----X  
THE NORTHWESTERN MUTUAL LIFE INSURANCE  
COMPANY,

Plaintiff,

v.

12 Civ. 2514  
(PKC) (HBP)

STEVEN LITT and TRACY COPPLE-LITT,

Defendants.

-----X

October 26, 2012  
10:00 a.m.

Deposition of TRACY COPPLE-LITT, taken  
by co-defendant, pursuant to notice, at the  
offices of Satterlee Stephens Burke & Burke  
LLP, 230 Park Avenue, New York, NY 10169,  
before Julia Liu, a Shorthand Reporter and  
Notary Public of the State of New York.

APPEARANCES:

SATTERLEE STEPHENS BURKE & BURKE LLP

Attorneys for defendant Steven Litt

230 Park Avenue

New York, NY 10169

BY: MICHAEL H. GIBSON

RICHARD PESKIN, ESQ.

Attorney for defendant

Tracy Copple-Litt

6 East 39th Street

6th Floor

New York, NY 10016

BY: RICHARD S. PESKIN

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by  
and between counsel for the respective  
parties hereto, that all objections, except  
as to form, are reserved to the time of  
trial.

IT IS FURTHER STIPULATED AND AGREED  
that the deposition may be signed and sworn  
to before any officer authorized to  
administer an oath.

IT IS FURTHER STIPULATED AND AGREED  
that the sealing and filing of the  
deposition be waived.

Copple-Litt

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TRACY COPPLE-LITT,

called as a witness, having been duly  
sworn, testified as follows:

EXAMINATION

BY MR. GIBSON:

Q. Good morning, Ms. Litt.

A. Good morning.

Q. My name is Mike Gibson. I'm with  
the firm of Satterlee Stephens Burke &  
Burke and I represent Steven Litt in this  
litigation.

Can you state your full name for  
the record?

A. Tracy Lynn Copple-Litt.

Q. And what's your current address,  
Ms. Litt?

A. I have two residences.

Q. Okay.

A. 253 West 73rd Street, Apartment  
13H.

Q. Okay.

A. New York, New York.

Q. And your other residence?

A. 141 Bright Street, Jersey City,

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Copple-Litt

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New Jersey. And that's more of a business.

~~Q. Got you. Got you. And Ms. Litt,~~  
have you ever had your deposition taken  
before?

A. No.

Q. Okay. I'm just going to go over  
some general ground rules that will make it  
easier for the court reporter, who I'll  
talk about in a minute, to get an accurate  
record of our discussion today and will  
also get us through this quickly and on our  
way.

Do you understand that your  
testimony here is being taken under oath?

A. I do.

Q. Okay. And do you understand that  
even though we're in an informal setting in  
my conference room here that your testimony  
here is the equivalent as if you were  
giving testimony in court today?

A. I do.

Q. Okay. And as you see, there's a  
court reporter sitting next to us and she's  
~~going to be taking down everything we say~~



Copple-Litt

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1  
2 administrator, that's my job is make sure  
3 that there's -- any outstanding debt that  
4 needs to get taken care of, so.

5 Q. And the unopened mail that you  
6 had mentioned, where did you find that?

7 A. Well, there were boxes of bank  
8 statements, boxes of life insurance  
9 policies, boxes of unopened wage stubs,  
10 medical bills for both myself and him.  
11 They were all in the apartment.

12 Q. Okay.

13 A. In the city, if you wanted a  
14 location.

15 Q. And what was the address of that  
16 apartment again?

17 A. 253 West 73rd Street.

18 Q. And did you look through any  
19 e-mails?

20 A. No.

21 Q. Okay. You can hand that back to  
22 the court reporter. I don't think we need  
23 that anymore.

24 And I'm going to show you now  
25 what's been marked as Defendant Exhibit 2

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Copple-Litt 15

and just ask you to also take a quick look at that.

(Defendant's Exhibit 2 marked for identification)

Q. And specifically -- again, feel free to take all the time you want -- but if you go about to the sixth page, after the page with your attorney's signature on it, you'll see the remainder of the -- the remainder of the documents seem to be a series of documents regarding the decedent. Do you recognize these documents?

A. I have not seen these, no.

Q. Okay. Are these -- again, take all the time you want -- are these not documents that you provided to your attorney in response to the requests that were in Exhibit 1?

A. Oh, yes. I did, actually. Sorry.

Q. Okay. Okay. Understood. Are you aware of any documents, and feel free to go through them --

A. Oh, yes. These are, indeed,

Copple-Litt

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after I looked, yeah, these are.

Q. Great.

A. I must say I did not go through every single page.

Q. That's fine. No, I understand.

Do you have any reason to believe that you located any documents that were responsive to the discovery requests in Exhibit 1 that are not contained in the responses in Exhibit 2?

A. I don't understand the question.

Q. Okay, sure. So as we discussed, Exhibit 1 was a set of requests that my firm served on your attorney for responsive documents.

A. Okay.

Q. And Exhibit 2, I'll represent, are your attorney's responses to those requests and the documents that we just talked about are those responsive documents.

A. Correct.

Q. Okay. Do you have any reason to believe that you located any documents in

Copple-Litt

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response to the request that aren't  
contained in the response?

A. No.

Q. Okay. Thank you. And you can  
hand that back to the court reporter as  
well.

MR. PESKIN: Off the record.

(Discussion off the record)

Q. Ms. Litt, did you know the  
decedent, David Litt?

A. Yes, he was my husband.

Q. And when did you get married to  
him?

A. 2005.

Q. Do you remember the exact date?

A. September 4th.

Q. And what was the decedent's  
address when the two of you got married?

A. 253 West 73rd Street, Apartment  
13H.

Q. And is that where you're  
currently residing?

A. Yes. We also had a home at 45  
West Beechcroft Road in Short Hills that

Copples-Litt

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1  
2 was my primary residency. Before we got  
3 married, I owned the property, and then he  
4 and I shared it as a couple.

5 Q. Now, after you were married on  
6 September 4th, 2005, did you move into the  
7 apartment at 253 West 73rd Street with the  
8 decedent?

9 A. No. We actually did not do that.  
10 Our careers are pretty busy and at the  
11 time, I was working in New Jersey and he  
12 was working in Connecticut, so we kind of  
13 maintained the same residency. We were in  
14 the process of selling both places and  
15 looking for a place of our own but he, you  
16 know, he was working in Connecticut, I was  
17 working in New Jersey, our lives are very,  
18 very hectic, and so we did look at a few  
19 properties before we got married and after  
20 we got married, but we did not decide on  
21 anything.

22 But we did -- like, I did -- I  
23 wouldn't say moved in, like, I mean, not  
24 all my belongings were in the city, not all  
25 of his belongings were in Short Hills but

Copples-Litt

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yes, we did have, you know, clothes and certain favorite personal things, belongings that we had in both homes.

Q. And from the time that you got married to the time that your husband passed away, would you say that you spent more of your time at the apartment on 73rd Street or more of your time at the home in Short Hills?

A. It depends. I mean, he was there in Short Hills or I was there in the city. I mean, our basic routine was like Monday through Friday, he'd be working in Darien and I would be working in New Jersey. That was initially, when we got married. And then on the weekends, we would get together, we'd go away.

David and I traveled a lot. I met David in 1996 and I was in college and we traveled the world together and we were definitely a couple that enjoyed traveling and enjoyed each other's company.

Q. Is it -- and please tell me if I'm mischaracterizing your statement -- but

Copple-Litt

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1  
2 is it fair to say that Monday through  
3 Friday, you generally did not live  
4 together?

5 A. Well, maybe not physically, but  
6 we were married and we talked and we text  
7 and...

8 Q. Right. And I'm not suggesting at  
9 all that you did not communicate with each  
10 other. But as far as where you physically  
11 resided during the week, is it fair to say  
12 that more often than not, you resided in  
13 Short Hills and Mr. Litt resided at the  
14 apartment on 73rd Street?

15 MR. PESKIN: What period of time?

16 Q. Well, can you answer that  
17 question between the time of marriage and  
18 the time of death?

19 A. I would say I lived more with him  
20 than not.

21 Q. Okay.

22 A. During my entire marriage.

23 Q. Okay. What if I asked you the  
24 same question between the period of January  
25 1st, 2008 through the time of Mr. Litt's

Copples-Litt

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1 death, would you say you lived more  
2 together or more apart, if you can --

3  
4 A. I think at that point, I was -- I  
5 think that's about the period where I  
6 became having a lot of health issues, and I  
7 had a second open heart surgery and I had  
8 two ankle surgeries and my doctors were in  
9 Short Hills area, Livingston, and my  
10 cardiologist was there. So because of my  
11 illness, it was much easier for me to be in  
12 Short Hills and David would come and stay  
13 in Short Hills with me to help me, you  
14 know, recover when he could because he was  
15 very, very -- he was like very busy. That  
16 was around the time he started his fund in  
17 Connecticut.

18 Q. Okay. And again, dealing with  
19 the time period of January 1st, 2008  
20 through the time of Mr. Litt's death, are  
21 there any other reasons why you may have  
22 lived apart more often, other than your  
23 health?

24 A. No.

25 Q. And when did Mr. Litt --



Copple-Litt

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A. Well, let me clarify.

Q. Absolutely.

A. Other than health and work.

Q. Health and work, okay. Yes. I apologize. You did testify to that.

And on what date did Mr. Litt pass away?

A. September 11th, 2011.

Q. And where were you living at that time?

A. I was living in -- well, I had my stuff in the city but at the time of his death, I was actually in Jersey City.

~~Q. Okay. You had moved to Jersey City from --~~

A. No, that's pretty much my office.

Q. Okay.

A. And I was in transit because I was in the process of selling Beechcroft and we needed another place and so -- to like store all the furniture because I had rented out Beechcroft, 45 West Beechcroft, so we needed, like, another place. And ~~rentals here are very, like -- for~~

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Copple-Litt

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A. No.

Q. Can you approximate the year?

A. No. They were before me and David, though.

Q. If --

A. In terms of our marriage.

Q. Before your marriage. Do you recall after you were married, taking any trips to Portland, Oregon with David?

A. Yeah. I told you, the bris.

Q. Those, okay.

A. And, you know, we went out a couple of times to visit his father 'cause his father was in the nursing home. And I mean, when his mom got cancer, I stayed in Short Hills and he went to Oregon because at the time, he decided that, you know, he wanted to be with his mom. And I went on a family retreat after we got married in -- I think it's Cannon Beach, Oregon.

Q. And can you tell me when that was?

A. After we got married. I don't know.

Copple-Litt

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2 Q. Don't know the year? When the  
3 decedent's mom was ill, why didn't you go  
4 on that trip?

5 A. He didn't -- he wanted to be with  
6 his mom. He didn't say, you know -- I  
7 mean, I was working and I had to take care  
8 of Buddy and he just -- I think he was on a  
9 business trip anyway. He was going to go  
10 after that -- after his visit to a business  
11 trip.

12 Q. And did you offer to go?

13 A. Yeah, of course.

14 Q. Do you recall in or around April  
15 2009 the decedent's father being diagnosed  
16 as terminally ill?

17 A. I do. I recall his funeral and  
18 David went to Oregon and he asked me to  
19 e-mail all of his -- 'cause I asked if he'd  
20 like me to attend, and he said no, I prefer  
21 you just to stay there. And he asked me to  
22 e-mail all of his partners and give all of  
23 his friends -- like he gave me a list of  
24 e-mails of all of his friends and partners  
25 -- and to let them know that he was --

Copple-Litt

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where he was going to be and where they could send donations.

Q. But is it correct he did not ask you to attend his father's funeral?

A. No, he did not.

Q. Did you offer?

A. I did. I really, really had a great relationship with his father. His father was a very special guy.

~~Q. Do you recall the decedent traveling to Portland, Oregon for his mother's 70th birthday party?~~

A. He had mentioned it to me. But at the time, I believe I was doing something and I was going to go to Montana. So there was a conflict.

Q. What were you going to Montana for?

A. My family was in Montana.

Q. To visit your family. Did he ask you to attend that birthday party?

A. He just said, you know, "Would you like to go?" And I said, "Well, I think that I'm going to Montana," and but,

Copple-Litt

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~~you know, we were not he wasn't upset~~  
~~about it.~~

Q. I'm going to show you a document  
which has been marked as Exhibit 3. And  
just take your time and take a look at it.  
Let me know when you're ready.

(Defendant's Exhibit 3 marked for  
identification)

A. Yes, I'm ready.

Q. Okay. And do you recognize this  
document?

A. I do.

Q. And what is this?

A. This is a designation of  
beneficiary from Northwestern Mutual that  
puts my name as the direct beneficiary.

Q. Okay. And how did you come into  
possession of this document?

A. It was in his files.

Q. Which files?

A. At his home.

Q. Okay.

A. He -- when we got married, after  
we got back from our honeymoon, he had

Copples-Litt

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2 given me a key to this kind of chest thing  
3 that he had, and he said to me, "If  
4 anything happens to me, this is where you  
5 need to go." And it was within the  
6 apartment and I had a key and he showed me  
7 -- had a binder of all kinds of, you know,  
8 insurance policies, bank statements, his  
9 partnership agreements with, you know, his  
10 -- his firms at the time, with Morgan  
11 Stanley and Lehman Brothers was in there.  
12 And, you know, he said, "This is where you  
13 need to go."

14 And so I knew of the place to  
15 look because he had told me when we got  
16 married that this is where he put all of  
17 his stuff.

18 Q. And so is it fair to say that the  
19 first time that you saw this document was  
20 after Mr. Litt's death?

21 A. Correct.

22 ~~Q. Okay.~~

23 A. But I must state I was not -- I  
24 was surprised that this is all happening  
25 ~~because, you know, when David and I got~~

Copple-Litt

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~~A. It was in Africa.~~

Q. And then at the very bottom of the exhibit, where it says "For Home Office Use," on the left, it says "Form Recorded and Endorsement Waived," and there's a date and it's blank. Correct?

A. Correct.

Q. Have you ever seen a version of this document with that date filled in?

A. Not that I can recall, no.

Q. Okay. And also on the right side of the bottom, it says -- there's a signature line for the Northwestern Mutual Life Insurance Company and that's blank as well. Correct?

A. Correct.

Q. Have you ever seen a version of this document that was executed by Northwestern?

A. I think in the fax that I -- there was a fax that showed that he had sent it to Northwestern.

Q. Well, I don't think that's the question I asked. Let me rephrase and I

Copple-Litt

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apologize for that.

Have you ever seen a version of this document that was signed by Northwestern where this signature is filled in, the bottom right?

A. No, that I can recall. But I must point out something: This is typed, so.

Q. Okay.

A. I don't think David would type this. I mean, everything else is not typed.

MR. PESKIN: You just have to answer the questions that are asked.

THE WITNESS: Okay.

Q. Do you recall having conversations with the decedent regarding his life insurance policy prior to September 29th, 2005?

A. Well, I knew that he -- I don't know if -- yeah, because I mean, we were married so yeah, shortly before we got married, he had told me that he had this policy and that his brother was on it and



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Copple-Litt

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~~he said that when we get married, I will,~~  
you know, I'm going to change it to you.  
And that's how that whole conversation came  
about with him telling me that he wanted me  
to, you know, make sure that his family was  
taken care of if something had happened to  
him.

Q. Okay. Now, after you got  
married, did you do anything to confirm  
that Mr. Litt did indeed change the  
beneficiary on his account?

A. No.

~~Q. Okay. Did you ask him about it?~~

A. No. I -- he's my husband. I  
trust what he says.

Q. Did you have, after the  
conversation that you just described, did  
you have any discussions with Mr. Litt  
about his life insurance policy, that you  
can recall, up to the time of his death?

A. That's not one of the topics we  
would discuss, no. I mean, he did tell me  
that -- he did say that he had spoken with  
Gil or something, and -- and that he had

Copple-Litt

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~~done, like he had made a change. But that,~~  
was after we came back from our honeymoon.

Q. And when was that about?

A. It was after September. It was probably in October of 2005.

Q. And what change did he --

A. He said that he was -- that he had changed it into my name.

Q. Did he show you any documents to show that that had been done?

A. No.

Q. Did you ask him to see any documents to confirm that had been done?

A. No, why would I?

Q. I'm just asking you if you asked?

A. No. I trusted my husband. I don't -- you know, David was a good guy. He would not do something to -- like, he ~~wasn't somebody that you couldn't trust.~~

Q. Did you ever receive any documents from Northwestern that indicated that you had been changed as the beneficiary?

MR. PESKIN: Excuse me. Is the

Copple-Litt

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question whether the witness ever  
received any documents?

MR. GIBSON: That's correct.

A. I'm sure there were documents in  
the apartment.

Q. So you've seen documents in your  
apartment?

A. I have not.

~~Q. Okay.~~

~~A. I mean, but I'm not through  
everything either.~~

Q. But I guess just to clarify your  
answer: Have you ever seen a document from  
Northwestern that indicates that you were  
the beneficiary on this life insurance  
policy?

A. Other than this, no.

~~MR. GIBSON: Could we go off the  
record for a minute?~~

~~(Discussion off the record)~~

Q. Ms. Litt, going back to a  
question that we had asked earlier about a  
birth of the decedent's niece in Oregon, do  
you recall traveling -- your husband

Copple-Litt

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traveling to Portland, Oregon for the birth  
of his niece, Mira Litt?

A. Yes.

Q. And did you attend that trip?

A. I did not.

Q. Why not?

A. I believe I had a business trip  
at the time.

Q. Now, I'm going to show you a  
document that's been marked as Exhibit 4.

(Defendant's Exhibit 4 marked for  
identification)

Q. Now, I think you had testified  
earlier, and please tell me if I'm wrong,  
that this was the document that you thought  
was signed by Northwestern or did I  
misunderstand, you were referring to a  
confirmation?

A. I don't know exactly what you're  
trying to state.

Q. Okay, okay. Withdrawn.

Do you recognize the document?

A. I do.

Q. Okay. And what is this?

Copple-Litt

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2 A. It's a confirmation fax to  
3 Northwestern doing a change of client  
4 information and it was done on the same  
5 date as the change of beneficiary, which  
6 was September 29th, 2005, from his  
7 employer, Lehman, where he worked.

8 Q. Okay.

9 A. When we were married.

10 Q. Okay. Now, you testified that  
11 this is a confirmation of a fax being sent  
12 from Lehman to Northwestern?

13 A. By David, yes.

14 Q. How do you know that this was a  
15 fax from Lehman to Northwestern?

16 A. 'Cause it says right there,  
17 Lehman 919149464969.

18 Q. Okay.

19 A. And that's where he live -- he  
20 worked.

21 Q. Right. I understand that. But  
22 how do you know that this was sent to  
23 Northwestern?

24 A. Because it has a message  
25 ~~confirmation of the number that he wrote~~

Copple-Litt

44

down here.

Q. So is it your testimony, do you  
-- the number --

A. This is not -- I don't know it  
like 100 percent but just looking at this  
document, that's what I would assume, as a  
rational individual, that this was  
something that he sent from work to  
Northwestern to change his beneficiary or  
client information. That's what a rational  
individual would assess.

Q. Well, what on this document tells  
you that this was sent to Northwestern?

A. Because there's -- it says  
"Pages, Result, Okay," and it has the  
number that he wrote.

Q. Which number are we talking  
about?

A. The 9149464969, that has it up  
there.

Q. And do you know if 9149464969 is  
a fax number for Northwestern?

A. No, I do not. That was an  
assumption by me.

Copple-Litt

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1  
2 Q. Okay. And how did you locate  
3 this document?

4 A. It was in his files.

5 Q. And you said --

6 A. He had a Northwestern file.

7 Q. Okay.

8 A. That had important stuff, like  
9 there were tons and tons of unopened  
10 Northwestern things but this was in things  
11 that he made -- he thought was important,  
12 he had in a file.

13 ~~Q. Well, let's talk about that. You~~  
14 ~~talked about "tons and tons of Northwestern~~  
15 ~~things." Are those -- were all of those~~  
16 ~~documents the documents that were produced~~  
17 ~~on Exhibit 2 that we looked at or were~~  
18 ~~there more documents having to do with~~  
19 ~~Northwestern? I'm happy to give you~~  
20 ~~another copy of Exhibit 2 if you need to~~  
21 ~~look at it.~~

22 A. No, this was probably -- anything  
23 that had -- based upon what I've seen,  
24 anything that had anything that was  
25 ~~relevant or significant or was important,~~

Copples-Litt

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1  
2 ~~respond to counsel's representation~~  
3 regarding the policy statements. I  
4 don't deny that we may have only  
5 produced one or two annual policy  
6 statements. And again, the reason for  
7 that is that the remainder of each  
8 year's annual policy statements were  
9 produced directly by Northwestern.

10 MR. GIBSON: Okay.

11 MR. PESKIN: So that's why they  
12 weren't duplicated by production. By  
13 all means, counsel can review this  
14 prior to our leaving today.

15 ~~MR. GIBSON: Thank you, counsel.~~

16 Q. So Ms. Litt, going back to 7  
17 Exhibit 4, which is the confirmation sheet.  
18 And we were talking about the -- halfway  
19 down, the -- where it says Lehman and then  
20 the arrow to 99149464969. And your  
21 testimony was that you assumed that that  
22 would be the fax number for Northwestern.  
23 Is that correct?

24 A. Correct. 7

25 ~~Q. If I were to represent to you~~



Copple-Litt

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1  
2 that that's actually the fax number for  
3 Bloomberg Group, would that refresh your  
4 recollection as to what fax number that is  
5 one way or the other?

6 A. No.

7 Q. Now, other than Exhibits 3 and 4  
8 -- again, 4 is in front of you and 3 was  
9 the actual change of beneficiary form which  
10 we looked at -- are you aware of any other  
11 documents that demonstrate that the  
12 decedent intended to change his life  
13 insurance policy so as to replace you as  
14 the primary beneficiary?

15 MR. PESKIN: Could I have that  
16 read back, please?

17 (Question read)

18 Q. I'm going to rephrase that. Are 7  
19 you aware of any other documents that  
20 demonstrate that the decedent intended to  
21 change his life insurance policy so as to  
22 name you as the primary beneficiary in  
23 2005?

24 A. Well, I mean, when we got  
25 married, everything became joint. Our

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Fidelity account became joint, our checking accounts became joint, the policy was paid out of a joint account. Every year we had \$50,000 that came out of Fidelity and it was a joint account. So I would not think that there would be any reason why he would not.

Q. But are there any other documents that show that he did intend to name you as the beneficiary that you're aware of?

A. No. I don't know. J

~~Q. You can hand Exhibit 4 back to the court reporter. And I'm now going to show you an exhibit which has been marked as Exhibit 5.~~

(Defendant's Exhibit 5 marked for identification) 7

Q. And I'll represent to you that this is one of the annual statements that your attorney and I have been recently speaking about. Do you recognize this document?

A. Only after I opened up mails. I've never seen the statement of the life

Copple-Litt

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insurance policy other than when -- after  
his death.

~~Q. Okay. So to be clear on that,~~

before Mr. Litt passed away, you had never  
seen an annual statement on the account?

A. No. I was not one to open his  
mail.

Q. Okay. And looking at Exhibit 5,  
again, life insurance annual policy  
statement and then if you look about a  
quarter of the way down, it says "All  
Information is as of October 20, 2010." Do  
you see that?

A. I do.

Q. And that would be approximately  
five years after your husband and you were  
married. Correct?

A. Correct.

Q. And that would also be  
approximately five years after the alleged  
change of beneficiary form was executed in  
September of 2005. Correct?

A. Correct.

~~Q. And going back up to the top,~~

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~~responsive.~~

MR. GIBSON: Well, my question was "Do you have any idea?" I believe the answer was "I do not."

Am I correct, the answer was "I do not"?

MR. PESKIN: The question was does she have any idea why the form doesn't reflect her as the direct beneficiary?

MR. GIBSON: Correct. And I believe her answer was "I do not." Is that correct?

MR. PESKIN: She was explaining her answer. I think her answer can stand. But we can move on.

MR. GIBSON: Okay. The objection is on the record. Thanks.

Q. Now, when you located -- how did you locate this document?

A. I discussed that earlier. It was after his death and I was going through the apartment -- I was going in the apartment as an executor, administrator and it was my

Copple-Litt

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1  
2 job to go through all of his mail and open  
3 up things from 2008 and above and some even  
4 1999 bank statements from Chemical Bank.  
5 And so that's how I located it. It was in  
6 an envelope that was not opened.

7 Q. Okay. So this particular  
8 document was in an envelope that was not  
9 opened?

10 A. Yes, it was.

11 Q. Do you have the envelope?

12 A. I don't think so. I probably  
13 threw it away. I mean...

14 Q. Would you -- you testified you  
15 found a lot of documents that were  
16 unopened. Is that correct?

17 A. Correct.

18 Q. And was it your general practice  
19 to discard those envelopes?

20 A. Yes. 

21 ~~Q. And this may ultimately get~~  
22 ~~resolved in my conversation with your~~  
23 ~~attorney afterwards, but do you recall in~~  
24 ~~your search and opening envelopes seeing~~  
25 ~~monthly annual statements for 2006?~~

Copple-Litt

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~~A. To be honest, I did not look at~~  
it. I just -- I mean, you know, my husband  
had just died. I didn't really care what I  
was opening up. I just was trying to  
organize things and piles and, you know,  
figure out what's the most current and so I  
knew what I needed to pay. It's not -- I  
really did not pay much attention.

Q. Do you recall seeing any annual  
statements that were not unopened?

A. There were several that were not  
unopened or that were...

Q. Let me -- I'll withdraw the  
question.

Do you recall seeing any annual  
statements that were not in an envelope?

A. No.

~~Q. And did the at anytime before~~  
his death, did the decedent ever discuss  
with you the fact that while he allegedly  
named you as the beneficiary on his life  
insurance policy, that his annual  
statements was still showing Steven Litt as  
the direct beneficiary?

Copple-Litt

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A. No.

Q. I just have a few more questions before we take a break to look at these documents that haven't been produced yet.

Ms. Litt, do you consume alcohol?

A. On occasion.

Q. Have you ever been treated for alcohol consumption?

A. No.

Q. Have you ever attended Alcoholics Anonymous meetings?

A. I did with David once.

Q. Okay. When you attended that meeting with him, was that meeting for yourself or for David?

A. It was -- my mom died and I was going through quite a period of time. It was hard for me. And David, you know, knew me since 1996, I haven't been someone who consumes alcohol and so he was concerned that I should, you know -- he was concerned that I was drinking more than he thought -- he had ever, you know, like witnessed me because as a wife, you know, it's -- in our

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~~industry, we go out with our clients and, you know, we entertain people and I think that, you know, he was a little concerned because I had been drinking more frequently than I had previously to my mom's death.~~

Q. And other than the one meeting that you said that you attended with David, did you attend any other counseling sessions with regard to alcohol use?

A. I did a couple of times on my own but to me, I just felt like, you know, I was in control of it and I didn't feel like that was a place for me because it just didn't feel right to me.

~~Q. And why did you attend those meetings, then?~~

A. Because David asked me to.

Q. Did he attend them with you?

A. No.

Q. Or just the one?

A. Just one.

Q. Now, you testified that Mr. Litt was concerned with your alcohol consumption at that time. Is that accurate?



Copples-Litt

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1  
2 A. Yeah 'cause he had never seen me  
3 drink. I mean, like I said, we traveled  
4 the world together and even on our  
5 vacations and honeymoons, I was not a big  
6 drinker.

7 ~~Q. And was the level of your alcohol~~  
8 consumption ever a basis for conflict in  
9 your marriage?

10 A. How do I say this? I think that  
11 it was more of a third-party concern than  
12 necessarily my husband's concern.

13 Q. Can you elaborate on that a  
14 little bit? Who was the third party who  
15 was concerned?

16 A. I don't really care to state  
17 that.

18 Q. Are you refusing to answer the  
19 question?

20 A. I mean, I just think that, you  
21 know, his -- third party would be people in  
22 his family that were concerned.

23 Q. Do you know specifically who the  
24 person was or do you just have a general  
25 belief that it was someone in his family?

Copple-Litt

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1 A. I did --

2 Q. Just let me finish the question.

3 A. Sorry.

4 Q. It's okay. Did he disagree with  
5 them that your alcohol consumption was an  
6 issue?  
7

8 A. Yes. He asked me to do it as a  
9 favor to him for his mother so that I --  
10 that he was showing her that, you know,  
11 he's trying to handle this situation.

12 Q. Okay.

13 A. So he asked me to do it as a  
14 favor for him so that him and his mom would  
15 not be, you know, in such conflict.

16 Q. So to clarify, the meetings that  
17 you attended for your alcohol consumption,  
18 is it your testimony that you did those as  
19 a favor to your husband so that he could  
20 appease his family --

21 A. I did.

22 Q. -- is that your testimony?

23 Have you ever been arrested for  
24 driving under the influence of alcohol?

25 MR. PESKIN: I'm going to object

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Copple-Litt

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to this whole line of questioning as completely irrelevant to the issues before us in this matter.

MR. GIBSON: Are you going to advise the witness not to answer? I don't have a lot left but if you're going to advise the witness not to answer, we're going to have to discuss that.

MR. PESKIN: Let's go off the record and discuss it then.

(Discussion off the record)

MR. PESKIN: So I'll note my objection on the record and I'll permit the witness to answer.

Q. Okay. Just going back to the last question, Ms. Litt, have you ever been arrested for driving under the influence of alcohol?

A. I have.

Q. Okay. How many times?

A. I think -- I'm not -- I don't recall. I know...

Q. Was it more than one?

Copple-Litt

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1 A. I believe so. Twice.

2 Q. You -- I'm sorry, you have to  
3 keep your voice up.

4 A. I believe it was twice.

5 Q. You believe it was twice.  
6 Is it possible it was more than  
7 twice?  
8

9 A. No.

10 Q. Was the decedent aware that you  
11 had been arrested twice?

12 A. Yes. He came to get me. J

13 ~~Q. Okay. Were those arrests a~~  
14 ~~source of contention between you and your~~  
15 ~~husband?~~

16 A. No. He was very sad and he was  
17 concerned.

18 Q. Why?

19 A. Because he was scared for me.

20 Q. And despite his concern about  
21 these situations, is it still your  
22 testimony that he only wanted you to attend  
23 Alcoholics Anonymous meetings as a favor to  
24 his family?

25 ~~A. Yes. Because it was a way long~~

Copples-Litt

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time ago. It was like, I don't know, beginning of 2006 and I didn't do this until like 2010. And it was -- his mom was there at the apartment when I did it.

Q. Just a few more questions --

A. She was visiting New York.

Q. Okay.

A. And he had asked me to go and he would go with me to appease her.

And just one more thing. And that was -- that was like during the -- like I went through about a year and a half of a lot of pain because of my mom's death and, you know, it was really hard for me but I got over it. You know, I saw what was happening and I didn't like it personally, myself. And so like, you know, in terms of me not being able to handle it. And David was very instrumental in helping me get through it and supporting me and guiding me.

Q. Okay. Did you ever press any criminal charges against the decedent?

A. No.

Copple-Litt

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Q. Did you ever tell the police that the decedent had assaulted you?

A. No.

Q. Are you aware of the decedent ever being arrested for assault?

A. Yes.

Q. Assault of who?

A. Of me.

Q. Do you know who pressed those charges?

A. I do.

Q. Who was that?

A. Well, there was an incident when I was injured pretty badly in Short Hills and it was a deal that David and I had done, one of the clients of ours, and I found out that the individual was embezzling money from the company and I got beat up. And I had contacted David and I contacted my friend, Jon, who lived in Summit -- he was actually a professor of mine at NYU -- and he came over and took me to the hospital and I was like morphined up.

Copples-Litt

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1  
2 And my friend who's also an  
3 attorney of mine was at the hospital with  
4 me and Jon and him, and I was pretty doped  
5 up and I guess the police came and they had  
6 asked Jon and Nelson.

7 Q. Who's Nelson, the lawyer?

8 A. Yes. They had asked Jon and  
9 Nelson if they could -- if they knew of  
10 anybody that would have caused harm to her.  
11 And they said, "No." And I don't know, I  
12 guess -- I mean, they weren't that -- they  
13 weren't big fans of David and so they said  
14 the only person that has a key to this  
15 house was David. And so that's, I think,  
16 how David's name was mentioned and, you  
17 know, we went through months and months of  
18 me getting him off of, like, having them  
19 drop the charge because New Jersey's very,  
20 very strict and they don't want, you know,  
21 battered quote, unquote, wife to be, you  
22 know, a victim. And I actually had to  
23 testify so I don't know if that -- I guess  
24 -- I don't know if that deposition thing.

25 Q. I understand.

Copple-Litt

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A. You know what I mean.

Q. I got you.

A. So I had to testify and, you know, I was able to get charges dropped from him and it was expunged from his record. So it was a misunderstanding by the police.

Q. Okay. The lawyer, Nelson, do you know his last name?

A. Yes.

Q. It is?

A. Ferreira.

Q. Ferreira. And who's the Jon that you mentioned?

A. Jon Herman.

Q. And who was he?

A. He was my professor at NYU and we were just friendly. Like afterwards -- well, we started a fund together -- not a fund. We had a business where I taught people how to trade and he -- we wrote a book, we co-authored a book together called "Market Aims," and so we've been friendly throughout the years.



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2 Q. Now, did you ever tell the police  
3 -- identify to the police who it was that  
4 did assault you?

5 A. No, I actually said that my  
6 husband did not.

7 Q. No, no. I think you  
8 misunderstood. Did you ever tell the  
9 police who it was that did assault you?

10 A. I don't recall stating -- I mean,  
11 I was pretty -- I mean, I thought it was  
12 the guy, yeah. I did think -- I did say  
13 that I thought it was the CEO of the  
14 company that had been -- that had -- that  
15 we found out that was embezzling money.

16 Q. You think it was him. Is that  
17 what you're saying?

18 A. I thought it was him, yes.

19 Q. How did you not know who it was  
20 that assaulted you?

21 A. Because I was not feeling well  
22 and I had -- I was taking medication at the  
23 time.

24 Q. Was it prescription medication?

25 A. Yes.

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Q. Were you under the influence of alcohol at the time?

A. No. I had NyQuil because I was going to bed.

Q. So this assault happened while you were going to bed?

A. No, I was asleep.

Q. Okay. I'm sorry. Am I -- do you need me to go back in time a little bit to -- am I confusing you at all with the questions?

A. Yes.

Q. Okay. I'm sorry. Let me rephrase that.

So you testified, if I'm correct, that you think it was the CEO of a company that you were working with who assaulted you because you had discovered that he was embezzling funds?

A. I stated that it was him.

Q. Okay. That's where the -- because I thought you said that you thought it was him.

A. No I stated that it was him.

Copple-Litt

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Q. Okay.

A. Because I had had a conversation with him on April 13th -- Friday was the 13th -- I had talked to the CEO of a company, Tommy Jones, and he provided me with a statements -- bank statements of counter withdrawals of like \$20,000 plus every single week. And I confronted him and he came over that night. He had confronted -- I confronted him and he beat me up.

Q. Okay. And where did that take place? Where --

A. At my house in Short Hills.

Q. Okay. And why was he coming to your home?

A. Because I had asked him, like, to meet me at my house and then we were going to go.

Q. Go where?

A. To a restaurant close by because I wanted to talk to him in public. But when he arrived, I believe -- I speculate that he had probably heard that -- from one

Copple-Litt

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of the other investors that I knew what was going on.

Q. Why didn't you ask him to meet at your office?

A. Because at the time, our company was -- we were renovating and there was no -- like, we were working out of our home at that time.

Q. Got you. Got you. And just to make sure the record's clear: Is it correct that you never told the police that your husband beat you up?

A. Definitely, 150 percent.

Q. And you assisted in having those charges dropped?

A. I did. And they would not have been dropped unless I testified and stated that he did not do that.

Q. Isn't it true that they were dropped because your husband obtained a video showing that he was not with you at the time that the assault allegedly happened?

A. Not that I know of.

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1  
2 Q. Are you aware of any videotape  
3 that was used in connection with those  
4 charges?

5 A. No. J

6 ~~Q. Ms. Litt, did you ever have any~~  
7 ~~extramarital affairs while you were married~~  
8 ~~to your husband?~~

9 MR. PESKIN: Objection.

10 A. No.

11 MR. GIBSON: Subject to the  
12 review of those documents, that's  
13 really all I have. Let me get someone  
14 from my mailroom who can help you out  
15 with getting whatever's -- I don't want  
16 to take the whole folder because I know  
17 it's not responsive.

18 MR. PESKIN: You want copies?

19 MR. GIBSON: Whatever. Do you  
20 want to give me the originals to  
21 review, because you know, if they're  
22 what they are, I doubt I have any  
23 questions. But if you want to hand me  
24 the originals, I want to show them to  
25 ~~my colleague real quick and I may not~~

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~~even copy them.~~

~~(Recess)~~

~~EXAMINATION CONTINUED~~

BY MR. GIBSON:

Q. Ms. Litt, you're aware you're still under oath. Correct?

A. Yes.

Q. Okay. Now, Ms. Litt, you testified that the person who assaulted you was -- his name was Tommy Jones. Is that --

A. No.

Q. Okay. I apologize. His name was?

A. Sean Vanderpool (phonetic).

Q. Sean?

A. Vanderpool.

Q. Vanderplume? And do you know if he was ever arrested?

A. I have no idea.

Q. Did you ever press charges against him?

A. Oh, I pressed charges against him and I got a restraining order against him.

Copple-Litt

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Q. Okay.

A. I thought you meant prior to.

Q. Got you. Ms. Litt, do you know anyone by the name of Anthony Catinella?

A. No.

MR. GIBSON: Okay. Can you mark this as 6.

(One-page State of New Jersey document marked Defendant's Exhibit 6 for identification)

Q. Ms. Litt, I'm showing you a document that's been identified as Defendant's Exhibit 6. Just take a quick moment to read it over and let me know when you're done. I know it's very hard to read a lot of this and I'm not going to ask you a lot of questions about it.

A. I really can't read it.

Q. Okay. Have you ever seen this before?

A. Not that I can recall, no.

Q. Okay. Now, you testified that you went to -- in words and substance -- you went to great lengths to help the

Copple-Litt

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charges that were pressed against your husband for domestic abuse be dropped.

Correct?

A. I did.

Q. Okay. But you don't recall seeing this complaint?

A. I mean, perhaps it was part of the documents that...

MR. PESKIN: Can I just have a minute to read this?

MR. GIBSON: Absolutely, counsel. I apologize.

MR. PESKIN: And what is your representation that this is?

MR. GIBSON: My representation is that this is a public document in the State of New Jersey versus David M. Litt.

MR. PESKIN: You're alleging that this is the complaint?

MR. GIBSON: I'm not alleging anything. I'm going to ask your client if she has any information about it or some of the contents of it, but I have



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no independent knowledge.

MR. PESKIN: Okay. Proceed.

MR. GIBSON: Okay. Thank you,  
counsel.

Q. Now, Ms. Litt, if you look about  
a quarter of the way down Exhibit 6, you'll  
see -- it's cut off a little bit -- it says  
"Complainant Name: Anthony Catinella."

A. Okay.

Q. Do you have any idea -- does that  
refresh your recollection as to who Mr.  
Catinella is?

A. Actually, no. I'm sorry.

Q. And if you see in the middle --

A. Go ahead.

Q. I'm sorry. Did you want to  
clarify your answer? Okay.

If you look in the middle of the  
document, there's a box that says "Domestic  
Violence" and then there's an X in that.  
And the defendant, correct, is David M.  
Litt, that's at the top, the State of New  
Jersey versus David M. Litt?

A. Yes.

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Q. And again, "Domestic Violence,"  
and the box is checked. Correct?

A. Correct.

Q. Does this refresh your  
recollection as to whether this is the  
complaint that we've been discussing over  
the last few minutes?

A. I mean, the only thing I see is  
the date of October 14th and that would be  
the day after I was assaulted by Sean, the  
CEO of the company that David and I had  
invested in.

Q. Okay.

A. And as I stated before, I had a  
restraining order placed against him and I  
did bring charges up on him. Therefore, I  
do not understand why this is here and  
there's no signature stating that I made  
the complaint against my husband.

Q. I'm not stating that there is.  
I'm just asking you if --

A. And I don't even think my name is  
identified on here.

Q. And if -- again, I understand and

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2 I apologize, this is the best copy we have  
3 -- but if you look about halfway through  
4 the body, it says, "Specifically during an  
5 argument over finances, repeatedly strike  
6 the victim in her face and causing injury  
7 to her shoulder, leading to bleeding and  
8 internal injury including low blood  
9 pressure."

10 A. Well --

11 Q. Well, I haven't asked a question.

12 A. Go ahead.

13 Q. Does that describe the damages  
14 that you suffered as a result of the  
15 assault you allege was committed by Mr.  
16 Vanderplume?

17 A. Yes. And it was over finances.

18 Q. Okay.

19 A. With Sean.

20 Q. Okay.

21 A. Because of -- I told you, he  
22 embezzled money from David and I.

23 Q. Okay. But Sean wasn't your  
24 husband. Correct?

25 A. No. He was the CEO of a company

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that we had invested in.

Q. And it does say "Domestic Violence" on this. Correct?

A. Yes.

Q. The box is checked?

A. But it has David as a defendant.

Q. Okay. I have no further questions on that document. And just --

A. I want to say --

MR. PESKIN: There's no question.

Q. Is there an answer you want to clarify or?

A. I believe that this was taken when I was in the hospital and I was under heavily -- medication because of the bodily injuries I did sustain.

Q. And that was the day after the assault. Is that correct?

A. Yes, it was around -- well, the assault was done at like -- when I woke up from being hurt so badly, it was around 4 o'clock in the morning. And so that was already the next day.

But I had met him on September --